



General Assembly

Substitute Bill No. 1128

January Session, 2007

* SB01128HS 032207 *

**AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET
RECOMMENDATIONS WITH RESPECT TO SOCIAL SERVICES
PROGRAMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 17b-321 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2007*):

4 (a) On or before July 1, 2005, and on or before July first biennially
5 thereafter, the Commissioner of Social Services shall determine the
6 amount of the user fee and promptly notify the commissioner and
7 nursing homes of such amount. The user fee shall be (1) the sum of
8 each nursing home's anticipated nursing home net revenue, including,
9 but not limited to, its estimated net revenue from any increases in
10 Medicaid payments, during the twelve-month period ending on June
11 thirtieth of the succeeding calendar year, (2) which sum shall be
12 multiplied by a percentage as determined by the Secretary of the Office
13 of Policy and Management, in consultation with the Commissioner of
14 Social Services, provided before January 1, 2008, such percentage shall
15 not exceed six per cent and on and after January 1, 2008, such
16 percentage shall not exceed five and one-half per cent, and (3) which
17 product shall be divided by the sum of each nursing home's
18 anticipated resident days during the twelve-month period ending on
19 June thirtieth of the succeeding calendar year. The Commissioner of

20 Social Services, in anticipating nursing home net revenue and resident
21 days, shall use the most recently available nursing home net revenue
22 and resident day information. On or before July 1, 2007, the
23 Commissioner of Social Services shall report, in accordance with
24 section 11-4a, to the joint standing committees of the General
25 Assembly having cognizance of matters relating to appropriations and
26 the budgets of state agencies and human services on the detrimental
27 effects, if any, that a biennial determination of the user fee may have
28 on private payors.

29 (b) Upon approval of the waiver of federal requirements for
30 uniform and broad-based user fees in accordance with 42 CFR 433.68
31 pursuant to section 17b-323, the Commissioner of Social Services shall
32 redetermine the amount of the user fee and promptly notify the
33 commissioner and nursing homes of such amount. The user fee shall
34 be (1) the sum of each nursing home's anticipated nursing home net
35 revenue, including, but not limited to, its estimated net revenue from
36 any increases in Medicaid payments, during the twelve-month period
37 ending on June thirtieth of the succeeding calendar year but not
38 including any such anticipated net revenue of any nursing home
39 exempted from such user fee due to waiver of federal requirements
40 pursuant to section 17b-323, (2) which sum shall be multiplied by a
41 percentage as determined by the Secretary of the Office of Policy and
42 Management, in consultation with the Commissioner of Social
43 Services, provided before January 1, 2008, such percentage shall not
44 exceed six per cent and on and after January 1, 2008, such percentage
45 shall not exceed five and one-half per cent, and (3) which product shall
46 be divided by the sum of each nursing home's anticipated resident
47 days, but not including the anticipated resident days of any nursing
48 home exempted from such user fee due to waiver of federal
49 requirements pursuant to section 17b-323. Notwithstanding the
50 provisions of this subsection, the amount of the user fee for each
51 nursing home licensed for more than two hundred thirty beds or
52 owned by a municipality shall be equal to the amount necessary to
53 comply with federal provider tax uniformity waiver requirements as

54 determined by the Commissioner of Social Services. The
55 Commissioner of Social Services may increase retroactively the user fee
56 for nursing homes not licensed for more than two hundred thirty beds
57 and not owned by a municipality to the effective date of waiver of said
58 federal requirements to offset user fee reductions necessary to meet the
59 federal waiver requirements. On or before July 1, 2005, and biennially
60 thereafter, the Commissioner of Social Services shall determine the
61 amount of the user fee in accordance with this subsection. The
62 Commissioner of Social Services, in anticipating nursing home net
63 revenue and resident days, shall use the most recently available
64 nursing home net revenue and resident day information. On or before
65 July 1, 2007, the Commissioner of Social Services shall report, in
66 accordance with section 11-4a, to the joint standing committees of the
67 General Assembly having cognizance of matters relating to
68 appropriations and the budgets of state agencies and human services
69 on the detrimental effects, if any, that a biennial determination of the
70 user fee may have on private payors.

71 Sec. 2. Section 17b-369 of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective July 1, 2007*):

73 The Commissioner of Social Services, pursuant to Section 6071 of
74 the Deficit Reduction Act of 2005, may submit an application to the
75 Secretary of Health and Human Services to establish a Money Follows
76 the Person demonstration project. [In the event the state is selected to
77 participate in the demonstration project and the Department of Social
78 Services elects to participate in such project, such] Such project shall
79 serve not more than [one] seven hundred persons and shall be
80 designed to achieve the objectives set forth in Section 6071(a) of the
81 Deficit Reduction Act of 2005. Services available under the
82 demonstration project shall include, but not be limited to, personal
83 care assistance services. The commissioner may apply for a Medicaid
84 research and demonstration waiver under Section 1115 of the Social
85 Security Act, if such waiver is necessary to implement the
86 demonstration project. The commissioner may, if necessary, modify

87 any existing Medicaid home or community-based waiver if such
88 modification is required to implement the demonstration project.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	17b-321(a) and (b)
Sec. 2	<i>July 1, 2007</i>	17b-369

HS *Joint Favorable Subst.*